	Application No.	Applicant(s)
Notice of Allowability	09/851,745	AKERS ET AL.
	Examiner	Art Unit
	ROBERT SOREY	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to _06/10/2010_.

2. ☒ The allowed claim(s) is/are _1-5 and 8-15_.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _06/10/2010, 09/10/10_

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _20100910_ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

/R. S./	/Robert Morgan/
Examiner, Art Unit 3626	Supervisory Patent Examiner, Art Unit 3626

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the communication filed 06/10/2010.

Pending claim(s): 1-36.

Examiner's Amendment

2.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview

with Theodore Shiells on 09/10/2010.

        The following claims in the application have been amended as follows (please

replace the corresponding claims in the application with the claims below):

1. A system for transferring electronic medical files comprising:

        a record client comprising software systems operating on a processing platform;

        the record client comprising a diagnostic record system configured to include

generated diagnostic record data in a medical record data file;

        the record client comprising a comment record system configured to receive and

include comments from a local practitioner or a remote practitioner, and associate the

comments with the diagnostic data in the medical record data file following entry of the comments by the practitioner;

the record client tracking system configured to encapsulate a first version of the medical record data file including the diagnostic and comment data, wherein encapsulating the medical record data file comprises encryption algorithms that generate a record tracking data value based on the exact data structure of the entire medical record data file or preselected portions thereof;

the encapsulation system configured to buffer the first version of the medical record when accessed such that any modification causes the first version of the medical record to be stored separately from the modified version;

a network communications medium configured to transfer the encapsulated medical record data files between the record client and a record server;

the record server comprising software systems operating on a processing platform;

the record server comprising a sync system configured to compare the record tracking data values of the first version of the encapsulated medical record data file and a second version of the encapsulated medical record data file to determine whether modification to part or all of a medical data record has occurred;

the sync system of the record server also configured to store at the record client the most recent encapsulated medical record data file, and to store on the record server tracking system all historical versions of the encapsulated medical record data file in a

record database system, wherein the record data stored by the record database system is organized as one or more files where each file has one or more data fields; and

the record server comprising a notification system configured to generate a message comprising a notification that an encapsulated medical record data file has been received to be reviewed.

2. The system of claim 1 wherein the record sync system is further configured to verify that the record client has received a sync file before transferring the medical record data file.

3. The system of claim 1 wherein the record server comprises a tracking system further configured to update a tracking record when the received version of the medical record data file is received by the record server.

4. The system of claim 1 wherein the record client comprises a tracking system further configured to update a tracking record when the medical record data file is accessed.

5. The system of claim 1 wherein the record client further comprises a remote data system configured to generate medical record data.

6. (Cancelled)

7. (Cancelled)

8. The system of claim 1 wherein the record server further comprises an excerpt transfer system configured to receive medical record excerpt data and transfer it to a predetermined recipient.

9. The system of claim 1 wherein the notification system is further configured to transfer notification data to a party regarding the availability of medical record data, the notification data comprising notification of the transmission of the first version of the medical record data file to the record client.

10. A method for transferring electronic medical files comprising:

　　　providing a record client comprising software systems operating on a processing platform;

　　　including, by the record client comprising a diagnostic record system, generated diagnostic record data in a medical record data file;

　　　receiving and including, by the record client comprising a comment record system, comments from a local practitioner or a remote practitioner, and associating the comments with the diagnostic data in the medical record data file following entry of the comments by the practitioner;

　　　encapsulating, by the record client tracking system, a first version of the medical record data file including the diagnostic and comment data, wherein encapsulating the

medical record data file comprises encryption algorithms that generate a record tracking

data value based on the exact data structure of the entire medical record data file or

preselected portions thereof;

buffering, by the encapsulation system, the first version of the medical record

when accessed such that any modification causes the first version of the medical record

to be stored separately from the modified version;

transferring, by a network communications medium, the encapsulated medical

record data files between the record client and a record server, wherein the record

server comprises software systems operating on a processing platform;

comparing, by the record server comprising a sync system, the record tracking

data values of the first version of the encapsulated medical record data file and a

second version of the encapsulated medical record data file to determine whether

modification to part or all of a medical data record has occurred;

storing at the record client, by the sync system of the record server, the most

recent encapsulated medical record data file, and to storing on the record server

tracking system all historical versions of the encapsulated medical record data file in a

record database system, wherein the record data stored by the record database system

is organized as one or more files where each file has one or more data fields; and

generating, by the record server comprising a notification system, a message

comprising a notification that an encapsulated medical record data file has been

received to be reviewed.

11. The method of claim 10 wherein transferring the first version of the medical record data file to a remote location comprises transferring a sync file to the remote location.

12. The method of claim 10 wherein including the first medical record data into the first medical record data file comprises storing a tracking record with the first medical record data file.

13. The method of claim 10 further comprising generating notification data at a remote location, the notification data comprising notification of the transfer of the first version of the medical record data file to the remote location.

14. The method of claim 10 further comprising:

        accessing the medical record data file at the remote location; and

        updating a tracking record to show that the medical record data file has been accessed at the remote location.

15. The method of claim 10 further comprising:

        receiving the additional medical record data at the remote location;

        encapsulating the additional medical record data, wherein encapsulating the additional medical record data comprises generating a second value based on the data structure of the additional medical record data; and

updating the medical record data file to include the additional medical record

data.

16. – 36. (Cancelled)

Allowable Subject Matter

3.   Claims 1-5 and 8-15 are allowed. The following is an examiner's statement of

reasons for allowance:

As per claim 1, the primary reason for the indication of allowable subject matter is

the recitation of the following limitations in the combination as recited and not found in

the prior art:

Applicant teaches a system for transferring electronic medical files that

comprises a record client configured to include diagnostic record data and a

practitioner's comment data in a medical record data file, and then encapsulate a first

version of the medical record data file:

wherein encapsulating the medical record data file comprises encryption

algorithms that generate a record tracking data value based on the exact data structure

of the entire medical record data file or preselected portions thereof;

the encapsulation system configured to buffer the first version of the medical

record when accessed such that any modification causes the first version of the medical

record to be stored separately from the modified version;

A network communications medium is used to transfer files from the record client to a record server where record tracking data values of the first version and a second version of an encapsulated medical record data file are compared to determine if modification of the file has occurred. The record server also stores all historical versions of the encapsulated medical record data file in a record database and a notification message is generated indicating that an encapsulated medical record data file has been received to be reviewed.

The closest prior art, U.S. Patent 5,924,074 to Evans sets forth an electronic medical record system that includes a server connected to client machines running applications to access the data and further teaches an electronic medical record system including servers that allow patient data to be transferred between external sources as well as updating patient records.

Additionally, close prior art, U.S. Patent 5,987,519 to Peifer sets forth a telemedicine system that captures patient data and encapsulates the data packets and sends the packets over a network to the central monitoring station.

However, neither Evans nor Peifer teach the specific combination of elements including in a file both diagnostic and comment data wherein the entire file is encapsulated with an encryption algorithm such that a record tracking value based on the exact data structure of the entire medical record data file or preselected portions thereof, and that when accessed the file is buffered and sent as an original and modified version to a server that will compare the values of each and create a historical record of all distinct versions and generate a notification to this effect.

Therefore, the closest prior art of record does not anticipate or otherwise render the claimed invention obvious.

All claims dependent thereon, and the method embodiment, namely claims 2-5 and 8-15, are hereby indicated as being allowed for at least the same rationale as applied to claim 1 above, and incorporated herein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The following teaches the general state of the art proximate to the filing date of the instant pending application:

Stewart, B.K.; Langer, S.G.; Taira, R.K., "DICOM image integration into an

electronic medical record using thin viewing clients", Proceedings of the SPIE -

The International Society for Optical Engineering, vol.3339, 24-26 Feb. 1998,

pp.322-8.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SOREY whose telephone number is (571)

270-3606. The examiner can normally be reached on Monday through Friday, 8:30AM

to 5:00PM (EST).

6.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Morgan can be reached on (571) 272-6773. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

7.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. S./
Examiner, Art Unit 3626

/Robert Morgan/
Supervisory Patent Examiner, Art Unit 3626